

Office Memorandum • UNITED STATES GOVERNMENT

TO Mr. Rosen

DATE: October 22, 1954

FROM Mr. [REDACTED]

Classified by SP8 c/cw

SUBJECT FURNISHING OF INFORMATION FROM FILES OF IDENTIFICATION DIVISION OR BUREAU FILES TO OTHER THAN LAW ENFORCEMENT AGENCIES OR OFFICIAL SOURCES

Declassify on: OADR 818540

Tolson
Boardman
Belmont
Clegg
Glavin
Ladd
Nichols
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Tracy
Harbo
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Winterrowd
Tele. Room
Holloman
Gandy

Responsibilities of the FBI in the Internal Security Field

In considering matter of renewing confidential arrangement with Retail Credit Company whereby they are furnished information from Identification Records to assist in locating missing persons regarding insurance claims, the Director desired to be advised as to what other unofficial individuals or organizations receive information from Identification Records or Bureau files. Procedure followed set out.

IDENTIFICATION DIVISION

Dissemination of information from files of the Identification Division restricted to regularly constituted law enforcement agencies and agencies of local, county, state and Federal governments. This includes municipal civil service commissions, local welfare agencies, and state civil service commissions. Exceptions to this general rule are (1) law enforcement branches of common carriers (railroads, airlines, trucking companies) and Railway Express company in criminal matters and in applicant matters for positions as law enforcement officer (2) funeral homes furnished information concerning identity, next of kin, and military service (3) information is given orally by field offices on instructions from Identification Division to insurance companies in missing person and deceased type of case. Fingerprint records made available to Investigative Division for furnishing of information orally to representatives of New York Life Insurance Company and Retail Credit Company in connection with missing insured persons. (4) close relatives of missing persons are furnished information which would assist them in location of such persons. (5) applicant fingerprint cards searched for banks insured by Federal Deposit Insurance Corporation and member banks of Federal Reserve System.

RECORDS AND COMMUNICATIONS BRANCH

Information is furnished to the following:

(1) Public source information furnished to National Conference of Bar Examiners, Denver, Colorado

Attachment
ABE/ar

31 NOV 28 1954

SECRET

NOT RECORDED

13 NOV 14 1954 176 NOV 23 1954

FBI

Series 42: Responsibilities
of the FBI in the
Internal Security Field
Box 8

Memorandum to Mr. [REDACTED]

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(3) U. S. Courts Public source information furnished to judges, including Justice Tom Clark, regarding individuals they plan to employ.

(4) Sex Deviates Information regarding sex deviates in the Legislative Branch is disseminated to designated individuals in the Senate, House, General Accounting Office, Government Printing Office, Library of Congress, and Botanical Gardens. Similar information furnished to person designated in Judicial Branch. Approved by Executives Conference 10/23/53.

(5) Bar Associations Bureau has extended assistance to Bar Associations in select situations when in the public interest. In particular, information is furnished National Conference of Bar Examiners, Denver, Colorado, and to committees on admissions to the Bar set up under jurisdiction of the various courts.

(6) Other Individuals Where the best interests of the Bureau would be served and after approval by responsible Bureau officials, information is furnished to individuals outside of the Executive Branch. Ex-President Herbert Hoover and the Department of Welfare, New York City, are among those who have been furnished information under this policy. Policy approved by Executives Conference 10/23/53.

INVESTIGATIVE DIVISION

As indicated under the information furnished from the Identification Division files, the Investigative Division handled the liaison with the Retail Credit Company and is presently handling the liaison with the New York Life Insurance Company which is represented by [REDACTED]. All information was furnished to the Retail Credit Company representative and is furnished to [REDACTED] concerning fingerprint data for their assistance in locating missing persons in connection with insurance claims.

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TRAINING AND INSPECTION DIVISION

Security interest upon which the loan is made.

DOMESTIC INTELLIGENCE DIVISION

~~SECRET~~

LABORATORY



ADMINISTRATIVE DIVISION

ACTION

In connection with this memorandum of 10/14/54 which indicates that high-level executives of Retail Credit Company expressed their apologies to the Bureau for the breach of confidence on the part of their New York representative and have taken steps to insure that such a breach will not occur in the future.

If the above recommendation is approved, [redacted] will be appro [redacted]

I think all exceptions should be covered in memo being prepared to O's so we can settle this.

SECRET

Office Memorandum

UNITED STATES GOVERNMENT

TO : THE DIRECTOR

FROM : Mr. L. V. Boardman

SUBJECT: RESPONSIBILITIES OF THE FBI
IN THE INTERNAL SECURITY FIELD
Bufile 62-93875

~~CONFIDENTIAL~~

DATE: October 28, 1954

Classified by SP-10/CN 12/15/83

Declassify on: OADR 2/8/54

Tolson
Boardman
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EXCEPTIONS TO RESTRICTION LIMITING
DISSEMINATION OF FBI DATA TO
EXECUTIVE BRANCH OF FEDERAL GOVERNMENT

SYNOPSIS:

By memorandum dated October 13, 1954, we requested the Attorney General to advise whether Responsibilities Program should be discontinued. By memorandum dated October 25, 1954, the Attorney General suggested that before reaching a conclusion the following two steps be taken if met by your approval. (1) Advise him whether Responsibilities Program could be discontinued without publicity merely by stopping delivery of further information. (The Program can be discontinued in this manner.) (2) That the matter be made the subject of a round table discussion at one of your luncheon meetings with a view to getting the judgment of all top officials of the Department and a record be made of same which would not only guide you but provide a comprehensive memorandum of the subject for the files. The Attorney General pointed out that if Responsibilities Program is stopped it would then mean that we have jointly decided that it is advisable for the FBI not to deliver information to the Legislative Branch of the Federal Government, to the Judicial Branch of the Federal Government, or to state and local governments.

Bureau Policy Relative to Dissemination to the Legislative Branch of the Federal Government

Our policy is based on a decision by the Attorney General on June 14, 1954, that no further services be rendered to any Congressional Committee and that no information from the files of the FBI, either of a public-source type or other type, be made available to any Congressional Committee unless in line with a requested investigation of a member of the staffs of the following Committees: Senate and House Appropriations Committee, Senate and House Judiciary Committee, Joint Committee on Atomic Energy, Senate Armed Services Committee, and the Senate Foreign Relations Committee.

RECORDED - 44
INDEXED - 44

Attachment

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~~CONFIDENTIAL~~

Bureau Policy Relative to Dissemination to the Judicial Branch of the Federal Government

The Bureau as a general practice does not disseminate information to the Judicial Branch of the Federal Government; however, we do on occasion on request conduct name checks and investigations for the U. S. Supreme Court and Federal judges on certain of their staff members. Attorney General advised in this regard by memorandum dated April 28, 1939. This practice approved by Executives' Conference and Director July 22, 1954. Also disseminated to members Judicial Branch of Federal Government on specific authority of Attorney General.

Bureau Policy Relative to Dissemination to State and Local Governments

At present no dissemination is being made to state and local governments pending the decision by the Attorney General as to whether dissemination should be made by the Bureau to the governments of the various states under the Responsibilities Program.

It is pointed out that in our memorandum to the Attorney General of October 13, 1954, in which we requested his advice as to whether the Responsibilities Program under which we disseminate information to the governors of various states be discontinued, we made no recommendation as to whether we believed the Program should or should not be stopped. The decision as to the continuation of the Program was left entirely to the Attorney General.

Memo from Mr. Price to Mr. Rosen dated October 22, 1954, captioned "Furnishing of Information From Files of Identification Division or Bureau Files to Other Than Law Enforcement Agencies or Official Sources," bears following notation by Mr. Tolson dated October 26: "I think all exceptions should be covered in memo. being prepared to AG so we can settle this." You commented "Yes" to Mr. Tolson's notation. Exceptions made by Bureau to the general rule which restricts dissemination of FBI data to Executive Branch of Federal Government set forth, based on memoranda prepared by each Division October 27, 1954.

RECOMMENDATION:

That the attached letter dated October 29, 1954, be sent to the Attorney General advising him as follows:

(1) That the Responsibilities Program can be ended without publicity merely by stopping delivery of further information.

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(2) In connection with the Attorney General's statement that if the Responsibilities Program be discontinued it would then mean that you and the Attorney General have jointly decided that it is advisable for the FBI not to disseminate information to the Legislative Branch of the Federal Government, to the Judicial Branch of the Federal Government, or to state and local governments, it is recommended that he be advised of the Bureau's policy in regard to dissemination to the Legislative and Judicial Branches of the Federal Government and that he be advised that we will abide by his decision as to whether the Responsibilities Program should be discontinued at this time.

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(3) That the Attorney General be advised of the instances set forth in the details of this memorandum wherein FBI data is disseminated outside the Executive Branch of the Federal Government with the following exceptions:

a. That we do not advise him of the fact that, as set out on pages 11 and 12 of this memorandum, on occasions where common sense dictates and it appears in the best interest of the Bureau to do so we furnish limited information on a confidential basis to private individuals and organizations.

It is not believed that the Attorney General should be advised regarding the above exception to the general rule that FBI data is not disseminated outside the Executive Branch of the Federal Government inasmuch as such dissemination is not made on a continuing basis to any one person or organization and such dissemination is never made without the expressed authority of a high Bureau official.

b. That we not advise the Attorney General of the information disseminated by the Administrative Division, as set forth on

pages 13, 14, and 15, as such information is disseminated in connection with Budget and Appropriations material or in the course of business practices normally exchanged on a courtesy basis with other organizations.

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DETAILS:

You will recall that by memorandum dated October 13, 1954, you advised the Attorney General of the problems that have arisen in carrying out the Responsibilities Program with respect to the confidential nature of our files and the understanding that the FBI remains unidentified as the source of the data furnished.

In the above-mentioned memorandum, the Attorney General was requested to advise as to whether he believed we should continue with our existing program of informing various governors of subversive information where such information relates to individuals in whom they have a legitimate interest.

The attached memorandum from the Attorney General dated October 25, 1954, is in answer to your memorandum of October 13, 1954, and reflects that the Attorney General has not yet reached a conclusion as to whether the Responsibilities Program should be discontinued.

The Attorney General states that there is a clear indication of danger that the principal function of the FBI in the field of subversion and counterintelligence is being jeopardized by continuation of the Responsibilities Program. He also states that nothing must be allowed to develop in connection with the Responsibilities Program which will do harm to the standing which the FBI now has as perhaps the most respected arm of our Federal Government.

The Attorney General suggested that before reaching a conclusion in this matter the following two steps be taken with your approval. First, that you give him your views, either orally or in writing, as to the exact steps necessary by the FBI to stop the Program. Specifically, he desired to know whether the Program could be stopped without publicity merely by failing to deliver any further information.

As you know, the Bureau has no obligation to furnish information to state governors under this Program and the only action necessary to end the Program is to discontinue giving out any information.

Second, the Attorney General suggested a round table discussion of the matter at one of your luncheon meetings with a view to getting the judgment of all top officials of the Department, which views could be recorded in a definite memorandum which would not only guide you but provide a comprehensive memorandum on the subject for the files.

The Attorney General then pointed out that if the Responsibilities Program was discontinued it would mean that you and the Attorney General have jointly decided that it is advisable for the FBI not to disseminate information to the Legislative Branch of the Federal Government, to the Judicial Branch of the Federal Government, or to state and local governments.

Bureau Policy Relative to Dissemination to the Legislative Branch of the Federal Government

It is noted that on June 14, 1954, you attended a conference with the Attorney General at which Deputy Attorney General William P. Rogers was present, at which conference the Attorney General decided that we would continue to undertake the investigations of members of the staffs of the following committees when such requests are made by the chairman:

Senate and House Appropriations Committee
Senate and House Judiciary Committee
Joint Committee on Atomic Energy
(Cooperation extended this Committee pursuant to law)
Senate Armed Services Committee
Senate Foreign Relations Committee

It was the decision of the Attorney General that there will be no further services rendered to any Congressional Committee and that no information from the files of the FBI, either of a public-source type or other types, will be made available to any Congressional Committee unless it is in line with an investigation of a member of the staffs of the above-listed Committees.

The above information is set forth in your memorandum for Messrs. Tolson, Nichols, Boardman, and Belmont dated June 14, 1954.

Bureau Policy Relative to Dissemination to the Judicial Branch of the Federal Government

The Bureau, as a general practice, does not disseminate information to the Judicial Branch of the Federal Government. We do, however, conduct name checks for the United States Supreme Court on applicants for positions with that Court at infrequent intervals. These have been made upon the request of the Chief Justice as a matter of courtesy and cooperation. The Attorney General was advised that the Bureau conducted certain investigations at the request of Federal judges by memorandum dated April 26, 1939. On July 22, 1954, the Executives' Conference considered the proposition of handling name checks and investigations for Federal judges and it was recommended that the practice continue. You commented to this recommendation, "I agree. H."

In this connection, Chief Judge Bolitha Laws of the District Court for the District of Columbia on October 19, 1954, requested the Director to investigate all employees in the agencies of the District Court for the District of Columbia and by memorandum of the same date the Director referred the matter to the Attorney General, stating "I.....will be guided by your views...." This memorandum was sent to the Attorney General on October 20, 1954.

Bureau Policy Relative to Dissemination to State and Local Governments

At present no dissemination is being made to state and local governments pending the decision by the Attorney General as to whether dissemination should be made by the Bureau to the governments of the various states under the Responsibilities Program.

It is pointed out that in our memorandum to the Attorney General of October 15, 1954, in which we request his advice as to whether the Responsibilities Program under which we disseminate information to state and local governments be discontinued, we made no recommendation as to whether we believed the Program should or should not be stopped. The decision was left entirely to the Attorney General.

The following notation by Mr. Tolson on October 26, 1954, concurred in by the Director, appears on a memorandum from Mr. Price to Mr. Rosen dated October 22, 1954, captioned "Furnishing of Information From Files of Identification Division or Bureau Files to Other Than Law Enforcement Agencies or Official Sources": "I think all exceptions should be covered in memo. being prepared to AG so we can settle this." In accordance with the Director's wishes, there are set forth the following exceptions made by the Bureau to the general rule which restricts dissemination of information from the Bureau's files to the Executive Branch of the Federal Government. This list of exceptions is based on information taken from memoranda prepared for this purpose by each Division October 27, 1954.

METROPOLITAN POLICE DEPARTMENT

Since July 27, 1950, the Bureau has processed names of applicants of the Metropolitan Police Department in view of the Director's opinion that the Metropolitan Police Department is semi-Federal inasmuch as it polices the Nation's Capital. In October, 1953, the Executives' Conference recommended the continuance of this policy. The Director, in approving such continuance, noted that only public-source information should be furnished.

It is recommended that our policy of disseminating information to the Metropolitan Police Department in connection with applicants for positions therewith be furnished to the Attorney General.

SEX DEVIATES

Memorandum for Bureau Officials and Supervisors of June 20, 1951, sets forth a uniform policy for furnishing information concerning allegations as to sex deviate activities on the part of present and past employees of any branch of the United States Government. In addition to specific instructions for furnishing information to the Executive Branch, specific individuals were designated to receive this type of information in the Legislative Branch, that is, the United States Senate, the Botanical Gardens,

the Library of Congress, the House of Representatives, the General Accounting Office, and the Government Printing Office. A specified individual was designated to receive such information concerning employees of the Judicial Branch. This policy was continued after approval by the Executive Conference in October, 1953. In appropriate instances where the best interest of the Bureau is served, information concerning sex deviates employed either by institutions of higher learning or law enforcement agencies is disseminated to proper officials of such organizations.

It is believed that the Attorney General should be informed of the Bureau's policy of dissemination relating to information involving sex deviates who have been present or past employees of any branch of the United States Government.

THREATS TO MEMBERS OF THE LEGISLATIVE BRANCH

Speaker Joseph Martin, House of Representatives, is furnished information concerning the Nationalist Party of Puerto Rico or other subversive and intelligence information when it involves threats of violence against members of the House of Representatives. Similar threats of violence against members of the Senate are called to the attention of Vice President Richard Nixon.

It is believed that the Attorney General should be informed of this dissemination.

GRIEVANCES COMMITTEES AND BAR ASSOCIATIONS

In selected situations, when to do so, such appeared to be in the public interest, the Bureau has extended assistance to bar associations and grievances committees. The Attorney General in connection with the request for information received from the Committee on Character and Fitness, Supreme Court, Appellate Division, First Judicial Department, New York City on January 4, 1954, stated "in view of the fact that this is an office of the courts (not a bar association), I suggest we give the requested information so long as our confidence is not abused." Under this authority we also furnish information to the National Conference of Bar Examiners, Denver, Colorado, and to other committees on admissions to the bar which have been set up under the jurisdiction of the various courts.

It is recommended that this procedure be called to the attention of the Attorney General.

RETAIL CREDIT COMPANY, HEADQUARTERS, ATLANTA, GEORGIA

Since 1934, we have furnished this company with identification records concerning missing persons. This data is furnished orally to the liaison representative of the Retail Credit Company. It is furnished on request for their assistance in locating missing persons in connection with insurance claims.

It is recommended that this matter be brought to the attention of the Attorney General.

NEW YORK LIFE INSURANCE COMPANY AND OTHER INSURANCE COMPANIES

Since 1930, legislation has provided that records of the Identification Division may be furnished to duly authorized officers of the Federal Government, the various states, municipalities and other institutions. Memorandum dated January 8, 1937, by the then Attorney General Homer Cummings interpreted the Appropriations Act as not precluding dissemination of identification information concerning missing persons to private individuals. This memorandum was in acknowledgment of a Bureau memorandum dated January 2, 1937, which requested the Department to clarify the Bureau's responsibilities and authority under the Appropriations Act. Bureau memorandum made specific mention of dissemination of identification data to insurance companies.

It is recommended that our policies of dissemination of identification data to insurance companies be called to the attention of the Attorney General.

GENERAL ACCOUNTING OFFICE, GOVERNMENT PRINTING OFFICE AND LIBRARY OF CONGRESS

The results of investigations conducted by the Bureau under Executive Order 10450 pursuant to Departmental authority are furnished to the above agencies through the Civil Service Commission. These agencies occasionally submit name check requests on individuals other than employees of the agencies, who have access to restricted areas. In response to these requests pertinent data from the Bureau's files is disseminated to these agencies by the Bureau. This practice was the subject of consideration by the Executive Conference on October 14, 1953. It was the unanimous recommendation of the Executive Conference that these name checks be continued.

It is recommended that these procedures be called to the attention of the Attorney General.

* Deputy Attorney General Roger's memorandum to Bureau dated June 25, 1953, and Deputy Attorney General Roger's letter to United States Civil Service Commission dated June 29, 1953.

(66-6200-140-88,100)

AMERICAN RED CROSS

Since January, 1943, we have conducted name checks concerning certain applicants for positions with the American Red Cross. This procedure was instituted at the request of Mr. Ugo Carusi, former Executive Assistant to the Attorney General. In view of the responsibility of the Army to grant or deny clearance to Red Cross personnel for access to restricted areas, the Bureau on May 14, 1953, entered into an agreement with G-2 and the American Red Cross whereby the American Red Cross would be advised when no pertinent information appeared in the Bureau's files concerning the subject of their inquiry. Should pertinent derogatory data be contained in the Bureau's files such information is disseminated to G-2 and the Red Cross is advised. G-2 does not advise Red Cross of the specific subversive information secured from our files but merely advises Red Cross of its (G-2) decision in either granting or denying clearance to the Red Cross personnel. This procedure was reviewed by the Executives Conference on October 14, 1953, and it was unanimously recommended that it be continued.

It is recommended that the above procedures be called to the attention of the Attorney General.

IDENTIFICATION INFORMATION

Dissemination of information from the files of the Identification Division is restricted to regularly constituted law enforcement agencies and agencies of local, county, state, and Federal governments. This includes municipalities, Civil Service Commission, Local Welfare Commission and State Civil Service Commissions. The authority for disseminating information in the above-mentioned instances is contained in the Appropriations Act. Exceptions to this general rule are:

(1) Information is disseminated to law enforcement branches of common carriers, (railroads, airlines and trucking companies), and the Railway Express Company in criminal matters and in applicant matters for positions as law enforcement officers. Authority for dissemination in this instance is based upon a memorandum by Attorney General Homer Cummings dated May 17, 1937.

(2) Funeral homes furnished information concerning identity, next of kin, and military service. Authority to disseminate in this instance based upon memorandum from Attorney General Homer Cummings dated May 1, 1937.

(3) Information is given orally by field offices on instructions by Identification Division to insurance companies in missing persons and deceased type cases. Dissemination in this instance is also based upon a memorandum from Attorney General Homer Cummings dated May 1, 1937.

(4) Close relatives of missing persons are furnished information which would assist them in location of such persons. Dissemination in the above instance is referred to in the Director's testimony before the Appropriations Committee each year. In such instances only lead information is furnished to assist in locating a missing person and no criminal information is disseminated.

(5) Applicant fingerprint cards are searched for banks insured by the Federal Deposit Insurance Corporation and for banks that are members of the Federal Reserve system. Dissemination in these instances is based upon Executive Conference memoranda dated February 18, 1947; December 5, 1947; January 4, 1949; and May 19, 1950.

It is recommended that the Bureau's policy in this regard be called to the attention of the Attorney General.

LAW ENFORCEMENT AGENCIES

Information coming to the Bureau's attention which falls within the jurisdiction of a state or local police agency is brought to the attention of the interested agency for information and appropriate action.

Section 5D of the Manual of Rules and Regulations provides that local law enforcement agencies may be furnished information of a public source nature relating to subversive matters upon the receipt of a specific request for information. The requesting agency must be advised, however, that the Bureau's identity as the source of such information should be kept strictly confidential and that any information furnished should be verified by them.

It is recommended that the Bureau's policy in this regard be called to the attention of the Attorney General.

OTHER INDIVIDUALS

The general rule followed when requests are received for information from Bureau files from other individuals outside the

Executive Branch of the Government is to advise them that we are unable to assist in view of the confidential nature of the FBI files and that we are not permitted to release such information except upon the expressed direction of the Attorney General. All requests of this type are individually considered and information is furnished where the best interests of the Bureau would be served after approval is given by responsible Bureau officials. Among the individuals who have been furnished information are members of the present Administration who were furnished information from our files prior to the change in Administration; ex-President Herbert Hoover; former Inspector Lee Pennington, retired and now with the American Legion; a Commissioner of the Municipal Civil Service Commission in New York City; and the Department of Welfare in New York City. The Executives Conference approved this policy in October, 1953, and the Director, in agreeing to this policy, instructed that no exceptions were to be made except upon his specific approval.

It is recommended that we do not bring the above exception to the attention of the Attorney General inasmuch as such dissemination is not made on a continuing basis to any one person or organization and no dissemination of information is made in such instances without the expressed authority of a high Bureau official.

INFORMATION DISSEMINATED BY THE FBI LABORATORY

The FBI Laboratory regularly conducts examinations of evidence for Federal Government agencies, including those of the Judicial and Legislative Branches. In addition, the FBI Laboratory conducts similar examinations of evidence for state and municipal agencies duly authorized to carry out law enforcement and criminal prosecutive functions, as for example local and state police, railway police, prosecuting attorneys and coroners. Reports reflecting the results of the Laboratory scientific examinations of such evidence are regularly furnished to the respective contributing agencies. This function is only one of several cooperative services rendered by the FBI to such agencies and compliments the description of fingerprint data, crime statistics and so forth in this regard. A statement of this procedure is contained in the annual report furnished by the FBI to the Department.

It is recommended that the Bureau's policy in this regard be brought to the attention of the Attorney General.

INFORMATION DISSEMINATED BY THE ADMINISTRATIVE DIVISION

The Administrative Division of the Bureau disseminates information outside of the Executive Branch of the Government in the following instances:

1. Semiannual reports on printing production are furnished the Joint Committee on Printing of the Congress of the United States pursuant to law.
2. Annual reports submitted to the same Joint Committee concerning printing equipment pursuant to law. (Both of these reports, i.e. 1 and 2, are submitted through the Department of Justice).
3. Quarterly and annual reports on State Income Taxes withheld are furnished to State authorities for those States which require the Federal Government to withhold State taxes. These are filed under an agreement entered into between the Treasury Department and the respective States.
4. Confirmation of employment is furnished by letter occasionally to a college, this letter being in the nature of a letter from a reference.
5. Confirmation of employment plus data regarding leave taken is furnished on request to insurance companies, for example, when an employee is involved in a claim or lawsuit arising from injury.
6. The information regarding re-employment rights where they exist as well as requirements for reinstatement are furnished to veterans who have previously worked for the Bureau and wish to return.
7. Information regarding qualifications for Bureau positions and the status of various applicants for Bureau positions are furnished to Congressmen and Senators as well as the applicants themselves and qualifications are furnished to the general public. Information concerning Bureau positions and qualifications therefor are also furnished to schools and other organizations in connection with recruiting Bureau applicants.

8. Service records of former Bureau employees are furnished to private concerns who are contemplating possible hiring such former Bureau employees.
9. Verification of present employees' employment in the Bureau as well as salary grades is furnished to various commercial firms and credit agencies in instances where Bureau employees have applied for credit and it is necessary for such firms and credit agencies to verify employment and amount of salary in order to extend credit to the Bureau employees.
10. Forwarding addresses of former Bureau employees are furnished to individuals or organizations inquiring concerning same when a legitimate reason for such inquiry exists.
11. From time to time the Hoover Commission (Committee on Organization of Executive Branch of the Government) sends task forces into the various Government Departments in connection with certain specific items that they have under survey and when they arrive at the Department of Justice, they are sometimes referred to this Bureau for information which they are seeking and such information is furnished to them. The most recent example had to do with the Records Management and Forms Management.
12. Miscellaneous. On the budget and appropriation matters of the Bureau, there are certain matters required to be submitted which ultimately find their way to the Congress or other outside sources. However, these are all channeled through the Administrative Assistant Attorney General who makes a composite submission covering the entire Department of Justice to the agency ultimately destined to receive it. For example:
 - a. The Bureau's annual budget request.
 - b. Justification material furnished to Appropriations Committee.
 - c. Monthly report on Federal civilian personnel, a copy of which is furnished by the Department to the Joint Committee on Reduction of Non-essential Expenditures.
 - d. Number of employees on rolls and their annual salary furnished to the Department of Justice who in turn furnishes same to the Red Cross and the Community Chest for the purpose of determining quotas.

- e. Reports of expenditures by FBI in territorial offices furnished upon request of Department of Justice who in turn is furnishing information at request of delegates to Congress from territories.

In connection with the items set forth under 12 above, it is to be noted this information is channeled through the Department of Justice and the bulk is intended primarily to another agency in the Executive Branch of the Government; however, some of it does ultimately find its way to outside agencies.

With reference to the items set forth under numbers 4 through 10 above within the time limit specified for getting this information together, it was not possible to go back into the Archives to see if specific authority has been obtained in each instance to disseminate such information. However, it will be observed that the majority of items included thereunder are normal, routine business practices normally exchanged on a courtesy basis with other organizations.

It is recommended that the Bureau's policy in this regard be brought to the attention of the Attorney General.

~~CONFIDENTIAL~~

October 29, 1954

The Attorney General

Director, FBI

RESPONSIBILITIES OF THE FBI IN
THE INTERNAL SECURITY FIELD
FBI File 62-93875

EXCEPTIONS TO RESTRICTION LIMITING
DISSEMINATION OF FBI DATA TO
EXECUTIVE BRANCH OF FEDERAL GOVERNMENT

7-9-80 / 150-3-0826
CLASS. & EXT. BY SP-3 JDB/CL
REASON-FCIM II, 1-2.4.2
DATE OF REVIEW 7-9-90

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

I am in receipt of your memorandum of October 25, 1954, regarding captioned matter, in which you requested my views as to exactly what steps by the FBI would be required to stop the Responsibilities Program.

The Program can be ended without publicity merely by stopping delivery of further information.

In your memorandum you pointed out that "If this is done it would then mean that we have jointly decided that it is advisable for the FBI not to deliver information (a) to the Legislative Branch of the Federal Government, (b) to the Judicial Branch of the Federal Government, or (c) to state and local governments."

In connection with the delivery of information to the Legislative Branch of the Federal Government, our policy is, in accordance with my discussion with you on June 14, 1954, not to make available to any Congressional committee any information in the files of the FBI, either of public source, or other source, unless it be in line with an investigation of a member of the staffs of one of the following committees:

Senate and House Appropriations Committee
Senate and House Judiciary Committee
Joint Committee on Atomic Energy
(Cooperation extended this Committee pursuant to law)
Senate Armed Services Committee
Senate Foreign Relations Committee

In connection with the delivery of information to the Judicial Branch of the Federal Government, as a general

Tolson _____
Boardman _____
Nichols _____
Belmont _____
Harbo _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
 Sizoo _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

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practice, we do not disseminate information to that Branch. However, we do conduct name check requests on applicants for positions with the United States Supreme Court when requested to do so by the Chief Justice. We also, on occasion, conduct investigations of persons being considered for employment by Federal judges.

In regard to the furnishing of information to state and local governments, I know that you have given the question of discontinuing the Responsibilities Program much consideration and that you are fully aware of both the benefits of the Program and the dangers involved in continuing such a Program; therefore, I will abide by your decision as to whether the Responsibilities Program should be discontinued at this time.

As you are aware, as a general policy, we limit dissemination of information to the Executive Branch of the Government except as noted above. I desire, however, to call to your attention certain additional limited instances in which we disseminate certain data outside the Executive Branch. These instances are as follows:

1. To the Metropolitan Police Department, Washington, D. C., public source information concerning applicants for positions with that Department. We have followed this practice since July 27, 1950, because we have regarded the Metropolitan Police Department as semi-Federal inasmuch as it polices the Nation's Capital.

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4. To the Legislative and Judicial Branches of the Government concerning present or past employees of those Branches who are alleged to be sex deviates. This is in accordance with a uniform policy we established in June, 1951, for the dissemination of information concerning allegations as to sex deviate activities on the part of employees of any Branch of the United States Government.

5. To the Legislative Branch of the Government concerning threats of violence against members of the House of Representatives or the Senate. Speaker Joseph Martin, House of Representatives, is furnished information concerning the Nationalist Party of Puerto Rico (NRP) or other subversive and intelligence information when it involves threats against members of the House of Representatives. Similar threats of violence against members of the Senate are called to the attention of Vice President Nixon.

6. To grievance committees and bar associations which have been set up under the jurisdiction of various courts to pass on the admission of an individual to the bar. In connection with the requests for information received from the Committee on Character and Fitness, Supreme Court, Appellate Division, First Judicial Department, New York City, you advised on January 4, 1954, that in view of the fact that this was an office of the courts (not a bar association) we should give the requested information as long as our confidence is not abused. Under this authority we also furnish information to the National Conference of Bar Examiners, Denver, Colorado, and to other committees on admissions to the bar which have been set up under the jurisdiction of various courts when to do so appears to be in the public interest.

7. To privately owned insurance companies information from Identification Records for assistance in locating missing persons. Since 1930 legislation has provided that records of the Identification Division may be furnished to duly authorized officers of the Federal Government, the

various states, municipalities and other institutions. A memorandum dated January 8, 1937, by the then Attorney General Homer Cummings interpreted the Appropriations Act as not precluding dissemination of identification information concerning missing persons to private individuals. This memorandum was an acknowledgment of a Bureau memorandum dated January 2, 1937, which requested the Department to clarify the Bureau's responsibilities and authority under the Appropriations Act. Specific mention of dissemination of identification data to insurance companies was made in the Bureau memorandum.

8. To the General Accounting Office, Government Printing Office and the Library of Congress reflecting results of investigations under Executive Order 10450. Inasmuch as these agencies are a part of the Legislative Branch, the matter of conducting investigations under Executive Order 10450 was considered by the Department at the time the foregoing agencies asked the Civil Service Commission (CSC) to process their employees under that Executive Order. The results of investigations under Executive Order 10450 are furnished the above agencies through the CSC pursuant to the authority expressed in Deputy Attorney General Roger's memorandum to this Bureau dated June 25, 1953, and in his letter to the United States Civil Service Commission dated June 29, 1953. In addition, these agencies occasionally submit some check requests on individuals, other than employees of the agencies, who have access to restricted areas. In response to these requests, pertinent data from the Bureau's files is disseminated by the Bureau.

9. To the American Red Cross in response to name check requests concerning applicants for positions. This procedure was instituted at the request of Mr. Ugo Carnet, former Executive Assistant to the Attorney General, in January, 1943. In view of the responsibility of the Army to grant or deny clearances to Red Cross personnel for access to restricted areas, the Bureau on May 14, 1953, entered into an agreement with G-2 and the American Red Cross whereby the American Red Cross would be advised when no pertinent information appeared in the Bureau's files concerning the subject of their inquiry. Should pertinent derogatory data be contained in the Bureau's files, such information is disseminated to G-2 and the Red Cross is advised. G-2 does not advise the Red Cross of the specific subversive information occurred from our files but merely advises them of G-2's decision in either granting or denying clearance to the Red Cross personnel.

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10. Identification data from the records of our Identification Division is furnished to regularly constituted law enforcement agencies and to agencies of local, county, state and Federal governments. This includes municipal civil service commissions, state civil service commissions and local welfare commissions. Authority for this dissemination is contained in the Appropriations Act.

11. Identification data pursuant to authority contained in a memorandum from former Attorney General Homer Cummings dated May 17, 1937, is disseminated to law enforcement branches of railroads, airlines and trucking companies.

12. The memorandum of former Attorney General Homer Cummings dated May 17, 1937, also authorized the dissemination of identification data to the Railway Express Company in criminal matters and in connection with employment applications for positions as law enforcement officers.

13. Identification records data is furnished to funeral homes concerning the identity of next kin and military service. Authority for such dissemination is contained in a memorandum dated May 1, 1937, from former Attorney General Homer Cummings.

14. Data from our identification records is furnished to alien relatives of missing persons where such information would be of assistance in locating the missing person. No information of a criminal nature is furnished to the relatives. This dissemination is referred to in my testimony each year before the Appropriations Committee.

15. Data from our identification records is furnished to the member banks of the Federal Reserve System and to banks insured by the Federal Deposit Insurance Corporation in connection with employment applications received by such banks.

16. In those instances in which we receive information which falls within the investigative jurisdiction of a local police agency, such information is called to the attention of the interested police agency for its appropriate action.

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17. As a cooperative function we also furnish local law enforcement agencies with subversive information which is of a public source nature. Such dissemination is made only upon receipt of a specific request from a local law enforcement agency and is furnished with the distinct understanding that the identity of the FBI may not be disclosed as the source of the information which should be verified independently by the receiving agency.

18. The FBI Laboratory regularly conducts examinations of evidence for Federal Government agencies including those of the Judicial and Legislative Branches. It also conducts similar examinations of evidence for duly authorized law enforcement agencies in connection with criminal matters. Such law enforcement agencies as local and state police, railway police, offices of prosecuting attorneys and coroners receive results of FBI Laboratory examinations. This is a cooperative function of the FBI to which reference is made in the annual report of the FBI to the Department of Justice.

It is requested that you advise me whether or not you believe that the dissemination to agencies outside of the Executive Branch of the Government as outlined in the above eighteen items should be continued.

~~CONFIDENTIAL~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Boardman *JBW*FROM : Mr. Rosen *RW*SUBJECT: INVESTIGATIVE DIVISION
DISSEMINATION OF INFORMATION
OUTSIDE EXECUTIVE BRANCH OF
THE GOVERNMENT

DATE: October 28, 1954

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Re: responsibilities of the F.B.I. in the Internal Security Field

The following summarizes dissemination of information outside the Executive Branch by the listed sections of the Investigative Division:

DISSEMINATION PROCEDURES CRIMINAL SECTION, INVESTIGATIVE DIVISION:Retail Credit Company, Headquarters Atlanta, Georgia:

Since 1934, the Bureau has furnished information from Identification Records to the Retail Credit Company (RCC) relative to missing persons. This information is furnished on an oral basis to the liaison representative of the RCC. This information is furnished on request for their assistance in locating missing persons in connection with insurance claims.

New York Life Insurance Company:

Information from Identification Records is furnished on an oral basis to the New York Life Insurance Company through its representative Mr. Bernard Moloney. This information is furnished on request in connection with missing persons.

Authority for Furnishing Information From Identification Records to Insurance Companies:

By Public Law approved 6/11/30, Identification Division was established and money was appropriated for the purpose of acquisition, collection, classification and preservation of identification and other records and their exchange with the duly authorized officials of the Federal Government of states, cities and other institutions. Each Appropriations Act since 1930 has carried similar language. The then Attorney General, Homer S. Cummings, by memorandum of 1/8/37, prepared by Gordon W. Bell, then Assistant Solicitor General, ruled that the Appropriations Act did not preclude dissemination of information regarding fingerprint history relative to missing persons to private individuals. The Department's memorandum was written in response to Bureau memorandum of 1/2/37 requesting clarification from the Department of our responsibilities and authority under the Appropriations Act for the Identification Division. In the Bureau's memorandum,

cc: Mr. Belmont

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specific mention was made of making information available from the files of the Identification Division to privately owned insurance companies. The Attorney General again restated approval of the policy of furnishing information from the records of the Identification Division to private individuals in a memorandum of 3/8/37, again prepared by Mr. Bell, which was transmitted to clarify their memorandum of 1/8/37. The Attorney General stated specifically that the service of furnishing information as to criminal history or records of certain individuals is not an actual exchange of fingerprint cards. proper or certified copies of records and, therefore, this service does not constitute an exchange of criminal Identification Records within the meaning of the Appropriations Act and is a service which the Director may render when, in the exercise of his discretion, he deems it proper to do so. (Bufile 66-3761-166X2)

RECOMMENDATION:

It is recommended that the authority of the Attorney General again be sought with reference to furnishing information from Identification Records to privately owned insurance companies on specific request for their assistance in investigating missing persons and the preventing of fraudulent insurance claims and in some instances, for the purpose of locating the next of kin.

SPECIAL INQUIRY SECTION:

The Special Inquiry Section makes dissemination of information outside of the Executive Branch of the Government under the following circumstances:

1. We conduct investigations of persons being considered for the staffs of certain Congressional Committees and furnish the Chairman of the Committee in question with a summary of the investigation. The Committees covered are as follows:

- A. Senate and House Appropriations Committees
- B. Senate and House Judiciary Committees
- C. Joint Congressional Committees on Atomic Energy
- D. Senate Armed Services Committee
- E. Senate Foreign Relations Committee

This procedure was discussed with the Attorney General by the Director in a conference on June 14, 1954, and the continuation of the practice was approved by the Attorney General on that date. (Per Director's memorandum to Messrs. Tolson, Nichols, Boardman and Belmont, June 14, 1954).

2. We conduct investigations of persons being considered for employment by Federal Judges occasionally, such as

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Memorandum to Mr. Boardman

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bailliffs, probation officers, commissioners, etc. and the results of the investigations are conveyed to the judges for their information and guidance, by the SAC or the ASAC in his absence. These investigations are conducted as a matter of cooperation with the judges. The Attorney General was advised of this procedure by memorandum of April 28, 1939. The policy of continuing to make these investigations on a selective basis was reiterated by Executives Conference memorandum to the Director, July 23, 1954.

Chief Judge Bolitha Laws of the District Court for the District of Columbia, on October 19, 1954, requested the Director to investigate all employees in the agencies of the District Court for the District of Columbia, and by memorandum of the same date, the Director referred the matter to the Attorney General, stating "I will be guided by your views . . ." This memorandum was actually sent to the Attorney General on October 20, 1954.

RECOMMENDATIONS:

(1) That we conduct investigations of persons being considered for employment with the following Congressional Committees: A. Senate and House Appropriations Committee; B. Senate and House Judiciary Committees; C. Joint Congressional Committees on Atomic Energy; D. Senate Armed Services Committee; E. Senate Foreign Relations Committee. This procedure was discussed by the Director in conferences with the Attorney General on 6/14/54 and approved by the Attorney General on that date.

(2) That we conduct investigations of persons being considered for employment by Federal Judges occasionally as a matter of cooperation, this being done in accordance with memorandum to the Attorney General dated 4/28/39. That Chief Judge Bolitha Laws of the District Court for the District of Columbia requested the FBI to investigate all employees for the District Court for the District of Columbia. This matter was referred to the Attorney General on 10/20/54 for an opinion, an answer to which has not as yet been received.

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EMPLOYEES SECURITY SECTION:

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The Employees Security Section makes available results of investigations to the General Accounting Office, Government Printing Office and the Library of Congress, through the Civil Service Commission.

Employees of these agencies are processed under Executive Order 10450 (Employees Security Program) by Departmental authority. Inasmuch as this program has departmental approval, no recommendation is made that the above policy be reconsidered with the Attorney General.

RECOMMENDATION:

That we at this time advise the Attorney General concerning the investigations conducted for and the data disseminated to the General Accounting Office, Government Printing Office and the Library of Congress.

NAME CHECK SECTION, DISSEMINATION OUTSIDE THE EXECUTIVE BRANCH OF THE GOVERNMENT.

Information is disseminated by the Name Check Section, upon request, to the following individuals and/or agencies outside the Executive Branch of the Government:

American Red Cross:

Since January, 1943, the FBI has conducted name checks on certain applicants for positions with the American Red Cross. This procedure was instituted at the request of Mr. Ugo Carusi, former Executive Assistant to the Attorney General. In view of the Army's responsibility to grant or deny clearances to Red Cross personnel in restricted areas, it was subsequently decided to revise the method of handling Red Cross name checks. On 5/14/53, the Bureau entered into an agreement with the Red Cross and G-2 whereby the Red Cross would be furnished an answer when no pertinent information appeared in FBI files concerning the subject of their inquiry. In the event pertinent derogatory information was located, such information would be furnished to G-2, Department of the Army, and the Red Cross so advised. G-2 does not furnish the details of the information obtained from the FBI to the Red Cross, and advises Red Cross only of its decision to grant or deny

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clearance to the individual involved. The foregoing procedure was reviewed by the Executives Conference on 10/14/53 and it was unanimously recommended that such procedure be continued. The above was presented in detail to the Director by memoranda dated 10/20 and 27/53. The Director noted "O.K. H." on the latter memorandum.

RECOMMENDATION:

Inasmuch as Red Cross name checks were originally instituted at the request of Mr. Carusi in 1943, and in view of the change in procedure involved, it is deemed appropriate that this matter be brought to the attention of the Attorney General at this time.

General Accounting Office; Government Printing Office; Library of Congress:

These agencies occasionally submit name checks on non-employees who may have access to restricted areas and/or information. Pertinent information appearing in Bureau files is furnished in response to their requests. This practice was considered by the Executives Conference on 10/14/53 at which time the conference unanimously recommended that the Bureau continue conducting the described name checks. To this recommendation on the Executives Conference memorandum dated 10/14/53, the Director noted "O.K. H."

The matter of conducting name checks for the captioned agencies on non-employees has not been submitted to the Department although authorization has been obtained from the Attorney General to conduct investigations on employees of the afore-mentioned agencies in accordance with the provisions of Executive Order 10450 (Employees Security Program) and to make the results of those investigations available to the named agencies through the Civil Service Commission.

RECOMMENDATION:

It is recommended that the practice of handling occasional name checks for the General Accounting Office, the Government Printing Office and the Library of Congress, on non-employees be brought to the attention of the Attorney General.

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Metropolitan Police Department:

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On July 27, 1950, the Executives Conference considered a request by the Metropolitan Police Department that applicants for positions with that department be checked through the Bureau indices for derogatory information. It was the opinion of conference that this check not be made in that it would institute a precedent for checking names of applicants for other police departments through the Bureau's files and it was not believed that such a precedent should be set. The Director commented on this recommendation "I disagree. This department is semi-Federal in that it polices the nation's Capitol. It, therefore, sets no precedent. H." On October 14, 1953, the above policies were discussed by the Executives Conference and it was recommended that the Bureau continue to furnish information as in the past to the Metropolitan Police. In connection with this recommendation, the Director noted on the Executives Conference memorandum "O.K., but only public source information. H."

RECOMMENDATION:

This dissemination has not been previously presented to the Department. Recommended that the Attorney General be advised of our policy of furnishing public source data only to the Metropolitan Police Department.

United States Courts:

Name checks are conducted for the U. S. Supreme Court on applicants for positions with that court at infrequent intervals. These have been made upon request of the Chief Justice as a matter of courtesy and cooperation. The Attorney General was advised that the Bureau conducted certain investigations at the request of Federal Judges by memorandum dated April 28, 1939. On July 22, 1954, the Executives Conference considered the proposition of handling name checks and investigation for Federal Judges and it was recommended that the practice continue. The Director commented to this recommendation "I agree. H."

RECOMMENDATION:

It is recommended that the foregoing practice be brought to the attention of the Attorney General at this time.

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Memorandum to Mr. Boardman

ALL SECTIONS:

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Information concerning sex deviates is also being handled by the Domestic Intelligence Division.

Law Enforcement Agencies:

Matters coming to the Bureau's attention within the jurisdiction of State and local police agencies are brought to the attention of these agencies for their information and appropriate action.

RECOMMENDATION:

It is recommended that the Bureau's policy with reference to furnishing information to State and local law enforcement agencies of matters within their jurisdiction be brought to the attention of the Attorney General.

Handwritten initials and signature

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